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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,093

11/17/2003

Vesa Metsatahti

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

HWANG, JOON H

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,093

Applicant(s)

METSATAHTI ET AL.

Examiner

Joon H. Hwang

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 6-12, 16-23 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 13-15, 24 and 25 is/are ~~withdrawn from consideration~~ cancelled.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-12, 16-23 and 26-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/28/06, 10/20/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The applicants amended claims 1, 11, 21-23 and 26-28, canceled claims 3-5, 13-15, and 24-25, and added new claims 29-33 in the amendment received on 9/28/06.

The claims 1-2, 6-12, 16-23, and 26-33 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 11, and 21 have been considered but are moot in view of the new ground(s) of rejection.

A. The applicants argue that *Rothmuller* does not describe that associating a tag with a media file graphically alters the representation of the media file in a manner visually distinct from the associated text note.

The examiner respectfully traverses.

It is a well settled rule that a reference must be considered not only for what it expressly teaches, but also for what it fairly suggests. See *In re Burckel*, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979) and *In re Lamberti*, 545 F.2d 747, 192 USPQ 278 (CCPA 1976) as well as *In re Bode*, 550 F.2d 656, 193 USPQ (CCPA 1977) which indicates such fair suggestions to unpreferred embodiments must be considered even if they were not illustrated. Additionally, it is an equally well settled rule that what a reference can be said to fairly suggest relates to the concepts fairly contained therein, and is not limited by the specific structure chosen to illustrate such concepts. See *In re Bascom*, 230 F.2d 612, 109 USPQ 98 (CCPA 1956).

Rothmuller discloses a graphical icon for a tag providing a text note (section 5 on page 1 and tag 300 in fig. 1). Rothmuller discloses a graphical representation of a tag providing a text note is graphically associated with a graphical representation of an object (section 5 on page 1). Rothmuller discloses a media object can be identified by a graphical representation of a tag with a graphical representation of the media object (section 40 on pages 4-5 and fig. 6). Thus, Rothmuller teaches a graphical representation of tag element can be combined with a graphical representation of an object. Therefore, Rothmuller teaches a graphical representation of a tag providing a text note is visually associated with a graphical representation of an object, thereby altering an original graphical representation of an object to a combined graphical representation of the object and the tag. Thus, the applicants' arguments are not persuasive.

Claim Objections

3. Claims 1-2, 7-12, 17-20, and 28-33 are objected to because of the following informalities:

- "the respective item" in 13th line of claim 1 should be "a respective item";
- "the item of information" in 3rd line of claim 2 should be "the respective item of information";
- "items of information" in 2nd line of claim 7 should be "at least one item of information";

- “the respective segment of time” in 3rd line of claim 8 should be “a respective segment of time”;
- “items of information” in 2nd line of claim 9 should be “at least one item of information”;
- “items of information” in 2nd line of claim 10 should be “at least one item of information”;
- “the respective item” in 14th line of claim 11 should be “a respective item”;
- “the item of information” in 3rd line of claim 12 should be “the respective item of information”;
- “items of information” in 2nd line of claim 17 should be “at least one item of information”;
- “the respective segment of time” in 5th line of claim 18 should be “a respective segment of time”;
- “items of information” in 2nd line of claim 19 should be “at least one item of information”;
- “items of information” in 2nd line of claim 20 should be “at least one item of information”;
- “the visual representation” in 4th line of claim 28 should be “a visual representation”;
- “the size” in 3rd line of claim 29 should be “a size”;
- “the size” in 3rd line of claim 30 should be “a size”;
- “the size” in 3rd line of claim 31 should be “a size”;

- “the respective item of information” in 2nd line of claim 32 should be “a respective item of information”;
- “the item of information” in 3rd and 4th lines of claim 32 should be “the respective item of information”;
- “the respective item of information” in 2nd line of claim 33 should be “a respective item of information”; and
- “the item of information” in 3rd and 4th lines of claim 33 should be “the respective item of information”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 6-12, 16-23, 26-28, and 32-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Rothmuller et al. (U.S. Publication No. 2003/0033296).

With respect to claim 1, Rothmuller teaches first instructions for generating a media view that provides access to digital media files and associates digital media files with a period of time (i.e., image area 100 in fig. 1 and digital media files with

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timestamps, section 18 on page 2 and section 27 on page 3). Rothmuller teaches second instructions for generating an information identifier that is associated with at least one item of information including at least one of a digital media file, a calendared event and a period of time, wherein the information identifier enhances identification of items of information (i.e., generating metadata tag icons associated with the media files, sections 4-6 on page 1 and sections 18-19 on page 2). Rothmuller teaches providing for a text note to be associated with the respective item of information and to be included in metadata associated with the respective item of information (i.e., entering textual information as metadata of an object, sections 5-6 on page 1, sections 18-19 on page 2, and figs. 1-2). Rothmuller teaches graphically altering a representation of the respective item of information in a manner visually distinct from the associated text note (i.e., a graphical representation of a media object combined with a graphical representation of a tag element, section 5 on page 1, sections 39-40 on pages 4-5, and fig. 6).

With respect to claim 2, Rothmuller teaches instructions for including the information identifier in metadata associated with the item of information (i.e., metadata tag icons associated with the media files, sections 4-6 on page 1 and sections 18-19 on page 2).

With respect to claim 6, Rothmuller teaches third instructions for generating a calendar view that represents time in calendar format and associates events with respective time periods (section 21 on page 2 and fig. 4).

With respect to claim 7, Rothmuller teaches an information identifier associated with a calendar event that is displayed in the calendar view (section 21 on page 2 and fig. 4).

With respect to claim 8, Rothmuller teaches third instructions for generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with the respective segment of time (i.e., a timeline divided time into segments having a bar graph size that is based on a total number of digital media files, section 31 on pages 3-4 and fig. 3).

With respect to claim 9, Rothmuller teaches an information identifier associated with a period of time that is displayed in the time bar (section 31 on pages 3-4, section 8 on page 1, section 27 on page 3, and fig. 3).

With respect to claim 10, Rothmuller teaches an information identifier associated with a digital media file that is displayed in the media view (sections 4-6 on page 1, sections 18-19 on page 2, and fig. 1).

Claims 11-12 and 16-20 are essentially the same as claims 1-2 and 6-10 except that it sets forth the claimed invention as a digital device rather than an application and rejected for the same reasons as applied hereinabove.

With respect to claim 21, Rothmuller teaches selecting an information identifier option (i.e., tag keeper 300-350 in fig. 1). Rothmuller teaches selecting an item of information, including at least one of a media file, calendared event or time period to associate with the selected information identifier option (i.e., selecting a digital file in fig. 1). Rothmuller teaches creating information identifier data for the selected item of

information and storing the information identifier data with item of information metadata (i.e., dragging and dropping, sections 4-5 on page 1 and sections 18-19 on page 2).

Rothmuller teaches creating a text message for the selected item of information (i.e., entering textual information as metadata of an object, sections 5-6 on page 1, sections 18-19 on page 2, and figs. 1-2). Rothmuller teaches graphically altering a representation of the selected item of information in a manner visually distinct from the text message (i.e., a graphical representation of a media object combined with a graphical representation of a tag element, section 5 on page 1, sections 39-40 on pages 4-5, and fig. 6).

With respect to claim 22, Rothmuller teaches identifying, visually, the item of information as associated with an information identifier (fig. 6)..

With respect to claim 23, Rothmuller teaches selecting an information identifier option from a group consisting of bookmark identifier and annotation identifier (i.e., textual metadata and optionally a graphical metadata, section 5 on page 1).

With respect to claim 26, Rothmuller teaches creating a graphical enhancement for the selected item of information (sections 39-40 on pages 4-5 and section 5 on page 1).

With respect to claim 27, Rothmuller teaches identifying the item of information with a bookmark identifier to indicate that the item of information has an associated text note (sections 4-6 on page 1, sections 18-19 on page 2, fig. 2, fig. 4, and fig. 6).

With respect to claim 28, Rothmuller teaches identifying the item of information with an annotation identifier that indicates a graphical enhancement for the visual

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representation of the item in a view of the media diary (sections 4-6 on page 1, sections 18-19 on page 2, sections 39-40 on pages 4-5, fig. 2, fig. 4, and fig. 6).

With respect to claim 32, Rothmuller teaches displaying a window, after the information identifier is associated with the item of information, in order to allow a user to input the text note to be associated with the item of information (i.e., providing a window to a user after a metadata tag icon is associated with a media object and allowing a user to edit metadata and/or photo notes, section 24 on page 2 and fig. 2).

The limitations of claim 33 are rejected in the analysis of claim 32 above, and the claim is rejected on that basis.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller et al. (U.S. Publication No. 2003/0033296) in view of Samra et al. (U.S. Publication No. 2002/0113803).

With respect to claim 29, Rothmuller discloses the claimed subject matter as discussed above except the altering includes at least one of altering the size, color, or border of the representation of the selected item of information, or adding a frame to the representation of the selected item of information. However, Samra teaches the altering

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includes at least one of altering the size, color, or border of the representation of the selected item of information, or adding a frame to the representation of the selected item of information (i.e., a visual annotation in different colors, shapes, and animations, sections 35-37 and 39-44 on page 3, section 31 on page 2, and fig. 1) in order to provide convenient, easily identified, information to a user without unduly cluttering the display. Therefore, based on Rothmuller in view of Samra, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Samra to the system of Rothmuller in order to provide convenient, easily identified, information to a user without unduly cluttering the display.

The limitations of claims 30-31 are rejected in the analysis of claim 29 above, and these claims are rejected on that basis.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

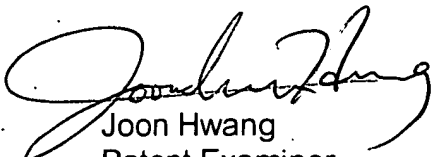
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joon Hwang
Patent Examiner
Technology Center 2100

12/05/06